



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 5, 2021

BY ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Charles Michael Kee*, 98 Cr. 778 (DLC)

Dear Judge Cote:

The Government respectfully writes to request a 45-day extension of the due date—currently set for March 12, 2021—for the Government's response to defendant Charles Michael Kee's successive petition under 28 U.S.C. § 2255 (Dkt. 227). The Government's files for this case are maintained in hard copy at the National Archives. While the Government has received and reviewed several boxes of files, in order to respond to the defendant's petition, the Government requires additional boxes of files that have not yet arrived at its office. Accordingly, the Government respectfully requests an additional 45 days to receive and review the remaining files and to finalize its response.

Were the Court to grant this request, the Government's response would be due by April 26, 2021, and the defendant's reply would be due by May 24, 2021, if that due date were similarly extended. Previously, the Court granted a three-week extension request from the defendant. (Dkt. 222). This is the Government's first request for an extension of the due date for its response. The defendant consents to this request.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

by: /s/
Micah F. Fergenson
Assistant United States Attorney
(212) 637-2190

Granted. The proposed schedule governs.

Dated: March 8, 2021

Cc: Samidh Guha (By ECF)

DENISE COTE

United States District Judge